

## **ACUPUNCTURE LICENSING ACT**

### **Part 1 - General Provisions**

#### **58-72-101. Title.**

This chapter shall be known as the "Acupuncture Licensing Act."

#### **58-72-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Acupuncturist" means a person who has been licensed under this chapter to practice acupuncture.
- (2) "Board" means the Acupuncture Licensing Board created in Section 58-72-201.
- (3) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points of the body.
- (4) (a) "Practice of acupuncture" means the insertion of acupuncture needles and application of moxibustion to specific areas of the human body based on traditional oriental medical diagnosis and concepts as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include:
  - (i) manual, mechanical, thermal, electrical, and electromagnetic treatments based on traditional oriental medical diagnosis and concepts; and
  - (ii) the recommendation of dietary guidelines and therapeutic exercise based on traditional oriental medical diagnosis and concepts.
- (b) "Practice of acupuncture" does not include:
  - (i) the manual manipulation or adjustment of the joints of the human body beyond the elastic barrier; or
  - (ii) the "manipulation of the articulation of the spinal column" as defined in Section 58-73-102.
- (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as may be further defined by rule.

### **Part 2 - Board**

#### **58-72-201. Acupuncture Licensing Board.**

- (1) There is created an Acupuncture Licensing Board consisting of:
  - (a) two acupuncturists;
  - (b) one physician with knowledge of and experience in acupuncture;
  - (c) one other licensed health care practitioner with knowledge of and experience in acupuncture; and
  - (d) one member from the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent rotating basis to:
  - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
  - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

### **Part 3 - Licensure**

**58-72-301. License required - License classification.**

- (1) A license is required to engage in the practice of acupuncture, except as specifically provided in Section 58-1-307 or 58-72-304.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of acupuncturist.

**58-72-302. Qualification for licensure.**

Notwithstanding Section 58-1-302, all applicants for licensure as an acupuncturist shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63-38-3.2;
- (3) be of good moral character;
- (4) meet the requirements for current active certification in acupuncture under guidelines established by the National Commission for the Certification of Acupuncturists (NCCA) as demonstrated through a current certificate or other appropriate documentation;
- (5) pass the examination required by the division by rule;
- (6) establish procedures, as defined by rule, which shall enable patients to give informed consent to treatment; and
- (7) meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

**58-72-303. Terms of license - Expiration - Renewal.**

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown in the license unless renewed by the licensee in accordance with Section 58-1-308.

**58-72-304. Exceptions from licensure.**

In addition to the exemption from licensure set forth in Section 58-1-307, the following persons may engage in the practice of acupuncture subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) an individual licensed as a physician and surgeon or osteopathic physician and surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act; and
- (2) a commissioned physician or surgeon serving in the armed forces of the United States or other federal agency.

**Part 4 - License Denial and Discipline**

**58-72-401. Grounds for denial of license - Disciplinary proceedings - Resumption of practice.**

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

**Part 5 - Unlawful and Unprofessional Conduct - Penalties**

**58-72-501. Acupuncture licensee - Restriction on titles used.**

- (1) A person practicing as an acupuncturist may not display or in any way use any title, words, or insignia in conjunction with his name or practice except the word "acupuncturist." When used in conjunction with the person's practice the term "acupuncturist" shall be displayed next to the name of acupuncturist.
- (2) An acupuncturist may not use the term "physician," "physician or surgeon," or "doctor" in conjunction with his name or practice. "Doctor of acupuncture" or "oriental medical doctor" may be used if the term is commensurate with the degree in acupuncture received by the practitioner.
- (3) Medical doctors who choose to practice acupuncture shall represent themselves as medical doctors practicing acupuncture and not as acupuncturists.

**58-72-502. Penalty for unlawful conduct.**

- (1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- (2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (e) is guilty of a class A misdemeanor.

**58-72-503. Unprofessional conduct.**

Unprofessional conduct includes the failure to transmit records in the English language to the division, the patient's practitioner, or a third party insurance payor upon request.

**Part 6 - Acupuncturist Practice - Insurance Payments**

**58-72-601. Acupuncture license not authorizing medical practice - Insurance payments.**

Nothing in this chapter may be construed to permit the practice of medicine nor require direct payment from third party insurers directly to acupuncturists.

# **ACUPUNCTURE LICENSING ACT**

**Title 58, Chapter 72**  
**Utah Code Annotated 1953**  
**As Amended by**  
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